

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE:	
<b>Steven W Street,</b> <i>aka Steven Wayne Street,</i> <b>Alicia M Street,</b> <b>Debtors.</b>	<b>CHAPTER 7</b> <b>CASE NO.: 19-14144-KHK</b>
<b>NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING,</b> Movant,	
v.	
<b>Steven W Street,</b> <i>aka Steven Wayne Street,</i> <b>Alicia M Street,</b> <b>Debtors,</b>	FILED PURSUANT TO 11 U.S.C SECTION 362
<b>AND</b>	
<b>Donald F. King,</b> <b>Trustee,</b> Defendants.	

**NOTICE OF MOTION AND FEBRUARY 19, 2020 AT 9:30 AM HEARING THEREON**

NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING has filed papers with the Court to lift the Stay of 11 U.S.C. Section 362(a) on the property located at 10827 Stanton Way, Richmond/Henrico, VA 23238.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then on or before the 14th day from the date of service

Sara A. John, VSB# 48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Movant

of this Motion with three additional days allowed if all parties are not served electronically (service is the date that the Motion was mailed to you), you or your attorney must:

File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

United States Bankruptcy Court  
200 S. Washington St.  
Alexandria, VA 22314-5405

You must also mail a copy to:

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452.

And to:

Donald F. King, Trustee  
1775 Wiehle Avenue, Suite 400  
Reston, VA 20190.

Attend the hearing scheduled for **February 19, 2020 at 9:30 AM** in Courtroom III (Third Floor) of the Martin V.B. Bostetter, Jr., U.S. Courthouse, in Alexandria, Virginia, 22314.

If you or your attorney do not take these steps, **the Court may decide you do not oppose the relief sought in the Motion and may enter an Order Granting that Relief without holding a hearing.**

Date: January 22, 2020

NEWREZ LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING

/s/ Sara A. John  
Sara A. John, VSB# 48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Movant

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2020, a true copy of the foregoing Notice of Motion and February 19, 2020 Hearing at 9:30 AM was served upon all necessary parties by electronic mail or by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Steven W Street  
4001 Virginia St.  
Fairfax, VA 22032

Alicia M Street  
4001 Virginia St.  
Fairfax, VA 22032

Ashvin Pandurangi  
AP Law Group, PLC  
211 Park Ave.  
Falls Church, VA 22046

Donald F. King  
1775 Wiehle Avenue, Suite 400  
Reston, VA 20190.

Date: January 24, 2020

NEWREZ LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING

/s/ Sara A. John  
Sara A. John, VSB# 48425  
M. Richard Epps, P.C.  
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**MOTION SEEKING RELIEF FROM STAY**

Comes now NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING (the “Movant”), a secured creditor, by counsel, and moves this Honorable United States Bankruptcy Court for Relief from the Stay imposed by 11 U.S.C. Section 362(a) and in support thereof, states as follows:

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Sara A. John, VSB# 48425  
M. Richard Epps, P.C.  
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Counsel for Movant

1. That this Motion is filed pursuant to 11 U.S.C. Section 362(d) and Rules 4001 and 9014 of the Bankruptcy Rules, as hereinafter shall more fully appear.

2. That the Movant is a secured creditor of the Debtors, whose claim is based upon a certain Note dated June 9, 2008 in the principal amount of \$157,500.00 and executed by Steven Wayne Street (the “Debtor”). The total amount due, including the unpaid principal balance of \$131,896.67 due under said Note as of January 13, 2020, interest of \$6,827.57 at the Note rate, late charges and attorney’s fees and costs was approximately \$141,803.66. A copy of an estimated payoff statement is attached hereto, marked as **Exhibit B**, as is a copy of the said Note, marked as **Exhibit A**. Repayment of said Note is secured by that certain Deed of Trust dated June 9, 2008 and recorded on June 11, 2008 as Instrument # 25111 among the land records of Henrico County, Virginia, which property has the address of 10827 Stanton Way, Richmond/Henrico, VA 23238 and which is more particularly described in the Deed of Trust as:

ALL THAT CERTAIN lot, piece or parcel of land, with improvements thereon and appurtenances thereto belonging, lying and being in Tuckahoe District, Henrico County, Virginia known and designated as Lot 20, Block II, Section C, Sussex Wood on plat of subdivision by, J. K. Timmons and Associates, Inc., dated March 20, 1985, recorded April 17, 1985 in Plat Book 81, Page 14, 15 and 16, and on a corrected plat recorded in Plat Book 81, Pages 35, 36 and 37, all recorded in the Clerk’s Office, Circuit Court, Henrico County, Virginia, to which plat reference is hereby made for a more particular description of the real estate herein conveyed.

A copy of said Deed of Trust and Assignment of Deed of Trust is attached hereto, marked as **Exhibit C**, and expressly made a part hereof.

3. Shellpoint Mortgage Servicing services the underlying mortgage loan and note for the property referenced in this Motion for NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING (hereinafter “noteholder”) and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if the Debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of the noteholder.

4. That on December 20, 2019, the United States Bankruptcy Court for the Eastern District of Virginia entered an Order for Relief under 11 U.S.C. Chapter 7 upon a petition filed by Steven W Street and Alicia M. Street, Case No. 19-14144-KHK

5. That the Debtors are in default in repayment of the note and next due for May 1, 2019.

6. The tax-assessed value of the real property located at 10827 Stanton Way, Richmond/Henrico, VA 23238 for 2019 is \$259,600.00. A copy of the Henrico County tax assessment is attached hereto as **Exhibit D**. That by reason of the foregoing, the Movant lacks adequate protection for its security interest and is, and continues to be, irreparably harmed by the continuation of stay of 11 U.S.C. Section 362(a) and that therefore cause exists for the termination thereof.

**WHEREFORE**, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) so that the undersigned may proceed to enforce its security interest in the subject property by: (i) instituting or continuing foreclosure proceedings against the subject property in state court, (ii) allowing the successful purchaser at the foreclosure sale to obtain possession of the subject property, (iii) allowing it to take such other actions with respect to the subject property as are set forth under applicable non-bankruptcy law, and (iv) that the Order be binding and effective upon the Debtor despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

**NOTICE OF INTENT TO SUBMIT BUSINESS RECORDS**

The Movant will submit business records as evidence at any scheduled hearing, as allowed under Fed. R. Bankr. P. 9017 and FRE 902(11). These business records and the declaration of their maintenance as business records are available for inspection by the adverse party upon demand.

**NOTICE**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**If you do not wish the Court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within 14 days from the date of service of this motion, you must file a written response explaining your position with the Court and serve a copy on the movant. Unless a written response is filed and served within this 14-day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.**

**If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the 14-day period.**

**You will be notified separately of the hearing date on the motion.**

Date: January 22, 2020

NEWREZ LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING

/s/ Sara A. John  
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Counsel for Movant

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2020, a true copy of the foregoing Motion Seeking Relief from Stay was served upon all necessary parties by electronic mail or by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Steven W Street  
4001 Virginia St.  
Fairfax, VA 22032

Alicia M Street  
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